

CHAPTER 132 – PARKS AND RECREATION

- 132.1. Definitions
- 132.2. Hours of Operation
- 132.3. Activities Prohibited
- 132.4. Vehicles, Bicycles, and Parking
- 132.5. Prohibited Recreational Activities.
- 132.6. Merchandising, Advertising, and Signs
- 132.7. Enforcement and Penalties for Offenses.

§ 132-1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PARK. A park, cemetery, reservation, playground, shoreline, recreation center or any other area in the Village of Palmyra, owned or used by the Village of Palmyra, and devoted to active or passive recreation.

PARK ATTENDANT. Any employee of the Village of Palmyra whose job functions include maintaining, repairing or supervising a park or whose job functions include enforcing this chapter, including park rangers.

SUPERINTENDENT. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

VEHICLE. Any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of or description. Exception is made for baby carriages and vehicles in the service of the Village of Palmyra parks.

The other words and terms used in this article, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, shall have the same meaning as defined in the Vehicles and Traffic Law and Conservation Law of the State of New York.

Cross-reference:

Cemetery regulations, see Village of Palmyra Cemetery Ordinance

§ 132-2. Hours of Operation.

(A) Park hours. Village of Palmyra parks shall be open daily to the public from dawn until dusk. No person shall occupy or be present in any park during the hours it is not open to the public, provided that Village of Palmyra personnel, police officers on official duty, or other Village of Palmyra officers, or employees on park duty, or other persons with special permits from the Village of Palmyra who are conducting Village of Palmyra business are not so restricted.

(B) Closed areas. Any section or part of any park may be declared closed to the public by the Superintendent at any time, and for any interval of time, either temporarily, or at regular and

stated intervals (daily or otherwise), and either entirely, or merely to certain uses, as the Superintendent shall find reasonably necessary.

(C) Authority for use of facilities. Any organized club, school, association, or recognized group desiring the use of specific areas of any park, such as picnic areas, athletic fields, shall file an application with the Village of Palmyra, and shall not use said park or area until said permit is granted. The use of the park shall be in the capable limits of the park.

(1) Special permits, agreements and contracts. Any organized club, school, organization, association, or recognized group desiring the use of a portion of the park system for money-raising affairs, whether to cover the cost of operation or for profit, shall file an application with the Village of Palmyra, and pay to the Village of Palmyra as required, such fees, charges, rents, or percentages as required by the Village for such activities and events. The application, among other information, must designate the portion of the parks desired. Any fees for the permit may be waived or refunded at the discretion of the Village of Palmyra. The Board of Trustees may change such fee schedule from time to time by Resolution.

(2) Exclusive use of park. No permit shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park.

(3) Granting of permits. The authority for granting permits shall be with the Board of Trustees of the Village of Palmyra, who may by resolution promulgate policies governing the same.

(4) Cleanup by permittee. All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address, and phone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit for cleaning up the area.

(5) Honoring special permits. All persons shall honor any special permits issued by the Village of Palmyra for certain areas, days, and times to clubs, organizations, teams, or any other groups, including but not limited to picnic grounds, ball diamonds, skating rinks, and stadiums, provided such permit is presented on official Parks and Recreation forms.

§ 132-3. Activities Prohibited.

No person or persons in a park shall engage in the any of the following prohibited conduct or behavior, nor allow any child(ren) or other person(s) under their custody or control to engage in such behaviors:

(A) Buildings and other property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or

other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(3) Removal of natural resources. Dig, or remove, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(B) Trees, shrubbery, lawns.

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing. Climb any building or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

(C) Wild animals, birds and the like.

(1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(2) Feedings. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(D) Glass containers.

(1) Bring or use glass containers within the park.

(E) Pollution of waters

(1) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No

such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof.

(F) Tobacco, Smoking, Vaping, Marijuana use:

(1) The use of tobacco, smoking, vaping, marijuana is prohibited on and in all Village owned parks and buildings. Violators are subject to fines as listed in local law.

(G) Intoxicating beverages.

(1) Be under the influence of intoxicating beverages or controlled substances. No person shall possess or consume beer, wine, or other alcoholic beverages within the Palmyra Cemetery, or parks

(H) Fireworks and explosives.

(1) Bring in, or have in his/her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rocket or other fireworks or explosives of inflammable material, or discharge them, or throw them into any such area from land, or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(I) Domestic animals.

(1) All dogs or other domestic animals shall be restrained at all times by adequate leashes. Owners of such animals shall be responsible to clean up the defecation left by their animals.

(J) Reservation of facilities.

(1) Occupy any seat or bench, enter into, or loiter, or remain in any pavilion or other park structure or section thereof which may be reserved.

(K) Fires/Grilling

(1) Build or attempt to build a fire. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(2) Use of any grill other than propane.

(L) Closed areas.

(1) Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(M) Disorderly conduct.

(1) Engage in any disorderly conduct or behavior tending to a breach of the public peace.

(N) Causing or risking public inconvenience, annoyance or alarm.

(1) Cause, recklessly create a risk of, or knowingly contribute to inconvenience, annoyance or alarm to any person in a park by:

(2) Engaging in fighting or threatening, or engaging in violent or tumultuous behavior;

(3) Jostling or roughly crowding persons unnecessarily.

(4) Making an obscene communication or display; or

(5) Creating a hazardous condition by any act which serves no legitimate purpose.

(O) Exhibit permits.

(1) Fail to produce and exhibit any permit from the Village of Palmyra which he/she claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(P) Interference with permittees.

(1) Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

§132.4. Vehicles, Bicycles, and Parking.

(A) No person in a park shall:

(1) Operation confined to roads. Drive any motor vehicle on any area except the designated and paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Superintendent.

(2) State motor vehicle laws apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(3) Enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, street or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may subsequently be issued by the Superintendent.

(4) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(5) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Superintendent may designate, by posted signs, for speedier travel.

(6) Unsafe operation of vehicle. Operate a vehicle as defined by this chapter in an unsafe manner.

(7) Muffler required. Fail to use a muffler adequate to deaden the sound of the exhaust system in a motor vehicle.

(8) Any unlicensed vehicles or “all-terrain vehicles,” or snowmobiles shall be prohibited from use in any park, unless authorized by the Village of Palmyra and designated in certain areas.

(B) Parking.

(1) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(2) Emergency procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.

(3) Double-parking. Double park any vehicle on any road or parkway unless directed by a park official.

(C) Bicycles.

(1) Confined to roads. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(2) Operation. Bicyclists shall at all times operate same with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(3) Rider prohibited. Ride more persons on a bicycle than the bicycle was designed to accommodate.

(4) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(5) Immobile. Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

(6) Night operation. Ride a bicycle at night without an attached headlight and without a tail light or reflector plainly visible.

§132.5 Prohibited Recreational Activities.

No person in a park shall:

(A) Bathing and swimming.

(1) Designated areas. Swim, bathe or wade in any waters or waterways in or adjacent to any park. Nor shall any person frequent any waters or places customarily designated for that purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Village of Palmyra upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) Certain hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Superintendent for such purposes for each individual area.

(3) Structure on shoreline. Erect, maintain, use or occupy on or in any park, any tent, shelter or structure unless permitted by or authorized by the Superintendent.

(4) Costume. Allow themselves to be so covered with a bathing suit as to indecently expose his/her person. All bathing suits shall conform to commonly accepted standards.

(5) Bathhouses. Dress or undress on or in any vehicle or other place, except in such structures as may be provided for that purpose.

(6) Diving. Dive off any bridge, dam, or other structure.

(B) Boating.

(1) Designated areas. Bring into or operate any boat, canoe, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Superintendent. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(2) Public docks. Using the public docks for dockage or other purpose is limited to 48 hours of continuous dockage unless expressed permission from the Village of Palmyra, violators will be subject to removal and or fines.

(3) Operation of boats/canoes. Navigate, direct, or handle any boat/canoe in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other boat/canoe.

(4) Prohibition during closing hours. Launch, dock, or operate any boat/canoe of any kind on any waters between the closing hour of the park at night and opening hour the following morning.

(C) Fishing.

(1) Fish in any waters, using hook-and-line, net, trap, or other device, except in waters designated by the Superintendent for that use and under such regulations and restrictions as have been or may be prescribed by the Superintendent.

(D) Hunting and firearms.

(1) Hunt, trap or pursue wildlife at any time. No person shall use carry, or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings, or any other form of weapon potentially dangerous to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(E) Picnic areas and use.

(1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(2) Availability. Violate the regulation that use of the individual grills (propane only), together with tables and benches, follows generally the rule of "First come, first served."

(3) Duty of picnicker. Leave a picnic area before the cooking grill (propane only) is completely extinguished, and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(F) Camping.

(1) Unless permission is granted by the Village of Palmyra, Superintendent or park attendants, no person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure, or special vehicle to be used or that could be used for such purposes as house trailer, camp-trailer camp-wagon, or the like.

(G) Games.

(1) Take part in or abet the playing of any games involving thrown, or otherwise propelled objects such stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough, or comparatively dangerous games such as football, baseball, soccer, and softball is prohibited except on the fields and courts or areas provided therefore.

§135.6 Merchandising, Advertising and Signs.

No person in a park shall:

(A) Vending and peddling.

(1) Expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by, and under the authority and regulation of the Superintendent.

(B) Advertising.

(1) Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(C) Signs.

(1) Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways, or roads adjacent to a park.

§132-7. Enforcement and Penalties for Offenses.

(A) Enforcement Authority.

(1) The Superintendent, park attendants, code enforcement and Police Officers shall take such actions as are necessary for the enforcement of this chapter consistent with Village of Palmyra ordinances and state law. Law enforcement officers may issue appearance tickets.

(2) Ejection. The Superintendent, park attendants, code enforcement and Police Officers shall have the authority to eject for a period of 24 hours from the park any person who violates this chapter. Repeated violations of this chapter may result in permanent ejection from any park.

(3) Seizure of property. The Superintendent, park attendants, code enforcement and Police Officers shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this chapter.

(B) Penalties for Violation.

(1) If any person shall violate the provisions of this article, said person shall be punished by a fine of up to \$100 for a first offense; a fine of up to \$250 for a second offense; a fine of up to \$500 for a third offense; a fine of \$1,000 for a fourth offense; and a fine of \$2,000 for a fifth offense. In addition to specified fines, violators are subject to imprisonment for up to 15 days.

(2) The Village may apply for injunctive relief from any Court of competent jurisdiction as necessary to prevent violations or otherwise enforce the provisions of this Chapter herein.